

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ALEXANDER STEELE,

Plaintiff,

v.

**STAFFMARK INVESTMENTS, LLC, a
Delaware Limited Liability Company, and
NEWEGG INC., a Delaware Corporation,**

Defendants.

Case Number: _____

DEFENDANTS' JOINT NOTICE OF REMOVAL

PLEASE TAKE NOTICE pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Staffmark Investments, LLC ("Staffmark") and Newegg Inc. ("Newegg") (collectively "Defendants") give notice the civil action presently pending in the Circuit Court for Shelby County, Tennessee, identified as Alexander Steele v. Staffmark Investments, LLC and Newegg, Inc., Civil Action No. 15-0420, is removed to this Court without waiving any rights or defenses to which Defendants may be entitled.

As grounds for this notice, Defendants show the following:

1. In accordance with 28 U.S.C. § 1446(a), copies of all record documents, including all orders, pleadings and service of process that have, to date, been served upon Defendants are attached as **EXHIBIT A**.¹

2. The Complaint in the above action was filed in the Circuit Court for Shelby County, Tennessee on November 2, 2015. On January 8, 2016, Defendant Staffmark waived formal service of the Complaint and Summons, pursuant to Rule 4.07 of the Tennessee Rules of

¹ Defendants waived formal service of process of the Complaint, pursuant to Rule 4.07 of the Tennessee Rules of Civil Procedure. A copy of the Defendants' executed Waiver of Service of Summons is included in **Exhibit A**.

Civil Procedure. On January 12, 2016, Newegg did the same. To date, Plaintiff has not filed the Defendants' executed waiver of service documents with the Shelby County Circuit Court.

3. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal was timely filed.

4. Removal of the action is proper under 28 U.S.C. §§ 1331 and 1441. This is a civil action arising under the laws of the United States. In Paragraph 1 of the Complaint, Plaintiff alleges he "brings a cause of action under federal law, specifically the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, et seq." In Paragraph 51 of the Complaint, Plaintiff alleges "Defendants ultimately fired Mr. Steele in retaliation for those complaints in violation of 29 U.S.C. § 215(3)."

5. This Court has original jurisdiction over all claims alleged in the Complaint. See 28 U.S.C. § 1441(c). This entire action is removable based upon the Court's original jurisdiction. See 28 U.S.C §§ 1331, 1441(a), 1441(b), 1441(c) and 1446.

6. Venue is properly placed in the United States District Court for the Western District of Tennessee, because it is the district court for the district within which the state action is pending (the Circuit Court for Shelby County, Tennessee), in accordance with 28 U.S.C. § 1446(a).

7. Undersigned counsel certifies, in accordance with 28 U.S.C. § 1446(d), that concurrent with the filing and service of this Joint Notice of Removal, Defendants' "Joint Notice of Filing Notice of Removal" has been served upon counsel for Plaintiff, Laura Ann E. Bailey and Alan G. Crone, Crone & McEvoy, PLC, 5583 Murray Road, Suite 120, Memphis, Tennessee 38119.

8. Undersigned counsel further certifies, in accordance with 28 U.S.C. § 1446(d), that concurrent with the filing and service of this Joint Notice of Removal, a copy of same, along with the Defendants' "Joint Notice of Filing Notice of Removal" was filed with the Clerk of the Circuit Court for Shelby County, Tennessee. **EXHIBIT B.**

WHEREFORE, Defendants pray that said action now pending in the Circuit Court for Shelby County, Tennessee be removed to the United States District Court for the Western District of Tennessee.

Date: January 29, 2016.

Respectfully submitted,

/s/ Marcia Dawn McShane

Marcia Dawn McShane, TN Bar No. 20878
Mallory Schneider Ricci, TN Bar No. 32492
Attorneys for Defendants Staffmark &
Newegg
**CONSTANGY, BROOKS, SMITH &
PROPHETE LLP**
401 Commerce Street
Suite 1010
Nashville, TN 37219
(615) 320-5200
(615) 321-5891 (facsimile)

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **Joint Notice of Removal** has been furnished to the below individuals via the Court's electronic filing system and/or by depositing same in the United States Mail, postage prepaid, on January 29, 2016.

Laura Ann E. Bailey
Alan G. Crone
CRONE & MCEVOY, PLC
5583 Murray Road, Suite 120
Memphis, Tennessee 38119

/s/ Marcia Dawn McShane

Marcia Dawn McShane